

Appl. No. 09/629,323  
Amdt. dated May 11, 2004  
In response to Examiner Interview on May 6, 2004

## **REMARKS/ARGUMENTS**

### **Claim Rejections Under 35 U.S.C. §101**

Applicant further amends independent claims 1, 8, 12, 17 to further define the electronic or automatic capture of the overpaid amount as being performed by a computer in the broadest possible sense.

#### **Applicant's Statement Regarding Interview Under 37 C.F.R. §1.133(b)**

In accordance with the requirements of 37 C.F.R. §1.133(b), Applicant provides the following written statement:

The information provided by the Examiner on PTOL-413 is accurate as to the participants in the interview, the claims discussed and the substance of the interview.

Applicant provided the Examiner with an overview of his invention and the steps he took to develop the invention, as previously set out in his two affidavits submitted with Amendment A and Amendment B.

Furthermore, the Applicant adds that the discussion of the key features of the invention that are distinguishable over the prior art cited in the office actions, i.e. SSDC and the Allsup Overpayment references, was limited to a reiteration of the points and arguments previously submitted by Applicant in the remarks sections included in Amendment A and Amendment B. Applicant made no new arguments of patentability over the cited references.

On a related note, Applicant and Applicant's representatives also reiterated and restated the highlights of Applicant's presentation of objective evidence of non-

Appl. No. 09/629,323  
Amdt. dated May 11, 2004  
In response to Examiner Interview on May 6, 2004

obviousness set out in Amendment A and Amendment B, focusing on Applicant's overwhelming commercial success, the long felt need in the industry and failure of others as attested to in the third party declarations, and the copying of the claimed invention by others.

Finally, the Examiner and the participants discussed the claim rejection under 35 U.S.C. §101. Applicant submits the foregoing claim amendments in response to the discussion, as set out by the Examiner in the Interview Summary.

The Examiner's statement concerning the general results or outcome of the interview is accurate.

Respectfully submitted,

POLSTER, LIEDER, WOODRUFF, & LUCCHESI, L.C.

By

  
Ned W. Randle, Reg. No. 35,989  
12412 Powerscourt Drive, Suite 200  
St. Louis, MO 63131-3615  
Tel.: (314) 238-2400  
Fax: (314) 238-2401